

1 MICHAEL ST. DENIS PROFESSIONAL CORPORATION
2 Michael St. Denis (CA Bar No. 147952)
3 500 Silver Spur Road, Suite 204
4 Rancho Palos Verdes, California 90275
5 Telephone: (310) 378-4700
6 Facsimile: (310) 378-8722
7 Email: mike@mikestdenislaw.com

8 THE MARBURY LAW GROUP, PLLC
9 Shauna M. Wertheim, *Pro Hac Vice*
10 Timothy W. Johnson, *Pro Hac Vice*
11 Joanna L. Cohn, *Pro Hac Vice*
12 11800 Sunrise Valley Drive, 15th Floor
13 Reston, Virginia 20191
14 Telephone: (571) 267-7002
15 Facsimile: (703) 391-2901
16 Email: swertheim@marburylaw.com
17 tjohnson@marburylaw.com
18 jcohn@marburylaw.com

19 Attorneys for Plaintiff DAIMLER AG

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

19 **Daimler AG**, a German corporation,
20 Plaintiff,
21 v.
22 **A-Z Wheels LLC**, *et al.*
23 Defendants.

Case No. 3:16-cv-00875-JLS-MDD

**PLAINTIFF DAIMLER AG'S
NOTICE OF MOTION AND
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Date: April 26, 2018
Time: 1:30 PM
Judge: Hon. Janis L. Sammartino
Crtrm: 4D

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on April 26, 2018 at 1:30pm, or as soon
3 thereafter as counsel may be heard, in Courtroom 4D of the Edward J. Schwartz U.S.
4 Courthouse located at 221 West Broadway, San Diego, California 92101, before the
5 Honorable Janis L. Sammartino, Plaintiff Daimler AG (“Plaintiff”) will and hereby
6 does, move this Court for an order for Partial Summary Judgment of trademark
7 infringement and counterfeiting with respect to federally registered trademarks U.S.
8 Reg. No. 657,386, U.S. Reg. No. 3,614,891, and U.S. Reg. No. 4,423,458,
9 (collectively “the DAIMLER Marks”) (portion of Count I of First Amended
10 Complaint (“FAC”)), and infringement of U.S. Design Patent No. D542,211 (“the
11 ‘D211 Patent’”) (portion of Count IV of FAC), against Defendants A-Z WHEELS
12 LLC d/b/a USARIM, USARIM.COM, and EUROTECH WHEELS, GALAXY
13 WHEELS & TIRES, LLC, and INFOBAHN INTERNATIONAL, INC. d/b/a
14 INFOBAHN, EUROTECH, EUROTECH LUXURY WHEELS, EUROTECH
15 WHEELS and USARIM (collectively “the Entity Defendants”), and Rasool Moalemi
16 (collectively the Entity Defendants and Rasool Moalemi are referred to herein as
17 “Defendants”).

18 The motion is based on this Notice, the attached Memorandum of Points and
19 Authorities, the attached Separate Statement of Undisputed Material Facts, the
20 pleadings, records, and papers in the files in this action, as well as such other evidence
21 and oral argument offered at the time of the hearing of this matter.
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Respectfully submitted,

Dated: January 5, 2017

THE MARBURY LAW GROUP, PLLC

By: /s/ Shauna M. Wertheim
Shauna M. Wertheim (*pro hac vice*)
Michael St. Denis
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2017, I electronically transmitted the Notice of Motion and Motion, and the accompanying Memorandum and Separate Statement of Material Facts with Exhibits filed concurrently herewith, using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing, and paper copies have been served on those indicated as non-registered participants.

/s/ Shauna M. Wertheim
Shauna M. Wertheim (*pro hac vice*)
Attorney for Plaintiff, Daimler AG